

REMARKS

This paper is responsive to the Final Office Action dated July 18, 2006 (the “Final Office Action”).

Claims 1, 3-7, 10-43, and 70-82 were previously pending in the application.

Claims 1, 3-7, 10-15, 18-27, 29-43, and 70-82 stand rejected.

Claims 16, 17, and 28 are under objection.

No claims have been added, amended, or cancelled.

Accordingly, claims 1, 3-7, 10-43, and 70-82 remain pending.

Claims 1, 3-7, 10-14, 18-26, 29-43, 70, 71, and 73-82 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,361,347 issued to Glider et al. (“*Glider*”). Claims 15, 27, and 72 also stand rejected. Applicant offers that the claims are allowable and respectfully requests reconsideration of the pending objections and rejections in view of the following remarks.

Allowable Subject Matter

Applicant expresses continued gratitude for the Examiner’s indication of allowability of pending claims 16, 17, and 28. At this time, Applicant wishes to maintain these claims in dependent form, in view of the following discussion. While Applicant has not elected to do so at this time, Applicant reserves the right to rewrite the indicated claims in independent format at a later date.

Rejection without an Indicated Statutory Basis:

Dependent Claims 15, 27, and 72

The only mention in the Final Office Action regarding dependent claims 15, 27, and 72 is in the Office Action Summary, which simply lists these claims among the rejected claims. However, the Final Office Action offers no reasoning to support this rejection, and does even identify a statutory basis for these rejections. The Final Office Action is silent with respect to claims 15, 27, and 72, except to list these claims as rejected.

Applicant respectfully submits that claims 15, 27, and 72 are allowable. **Applicant understands the rejection of claims 15, 27, and 72 to be a typographical error, and respectfully requests correction.** In particular, Applicant respectfully requests a clarification of the basis of the rejections in a non-final Office Action so that Applicant may have an appropriate opportunity to respond, or alternatively, requests an indication that claims 15, 27, and 72 are allowable.

Rejections under 35 U.S.C § 102(b)

Claims 1, 3-7, 10-14, 18-26, 29-43, 70, 71, and 73-82 stand rejected under § 102(b) as being anticipated by *Glider*. While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has elected to respond to the pending rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that one or more of the cited references do not qualify as prior art with respect to an invention embodiment currently or subsequently claimed.

Applicant respectfully submits that the claims are allowable under § 102(b) because the cited art fails to disclose each limitation of the pending claims. For example, the resource management system of claim 1 includes a resource control block that corresponds to a resource of a communications system. The resource is of one resource type of a plurality of resource types. Further, the resource control block in claim 1 includes **a resource-specific section containing information applicable to said one resource type**. Such a feature is simply not disclosed in *Glider*.

With regard to this limitation, the Final Office Action introduces a new argument that on p. 5 cites the following statement from *Glider*: “The structure of the RCB differs for each kind of resource” (*Glider* at 4:18-19). The Final Office Action goes on to argue that “different structure of resource control block for each kind of resource is a specific information applicable to the one resource type.”

Applicant respectfully disagrees with this line of reasoning. Merely because the *Glider* RCB has a different structure for each kind of resource does not mean that the RCB has a section containing information applicable to one resource type. Indeed, *Glider* says nothing about the various possible *sections* in its different RCB structures, and does not even disclose that the RCBs have such type-specific sections.

Further, even if the Final Office Action’s assertion is correct (and Applicant does not concede this point) that the “different structure of resource control block . . . is a specific information,” this assessment still fails to disclose Applicant’s “resource-specific section containing information applicable to said one resource type.” That is, even if the different structures of *Glider* are understood as specific information (which Applicant respectfully asserts is taking the teachings of *Glider* well beyond their reasonable meanings, as would be understood

by one of skill in the art), this specific information is not contained in a “section” of a resource control block, and particularly is not contained in a section that contains information **applicable to said one resource type**, as required by the limitations of claim 1.

Glider thus fails to disclose the limitation of “a resource-specific section containing information applicable to said one resource type” that is set forth in claim 1. At least for this reason, independent claim 1, and all claims dependent therefrom, are allowable over *Glider* under § 102(b). At for similar reasons, independent claims 18, 31, 70, and all claims dependent therefrom, are also allowable over *Glider* under § 102(b).

Dependent Claims 5, 20-26, and 34-39

Dependent claims 5, 20, and 34 stand rejected under § 102(b). However, the Final Office Action offers no reasoning to support these rejections. For example, the Final Office Action does not address the limitation from claim 5 of a resource manager configured to maintain a resource control block **in response to communications between a processor and the resource**. The Final Office Action is silent with regard to this limitation.

At least for this reason, claim 5 is additionally allowable under § 102(b). At least for similar reasons, claims 20 and 34, and claims 21-26 (which depend on claim 20) and 35-39 (which depend on claim 34) are also additionally allowable under § 102(b). Applicant respectfully requests that if the pending rejection is maintained in a subsequent Office Action, that appropriate explanation be provided as required by the standards of § 102(b), and that the Office Action be made non-final so that Applicant may have an appropriate opportunity to respond to the rejection.

Dependent Claims 12 & 13

Dependent claims 12 & 13 stand rejected under § 102(b). With regard to the limitation in claim 12 that the “**resource control block is a node resource control block**,” the Office Action points to the following passage from the cited art.

The resources conceptually connected to a node in the hierarchy above the node of the resource are that node's "parent resources," and the resources conceptually connected below the resource's node are that node's "child resources." Each resource may also have one or more "peer resources," indicating that the resource is one of a set making up a compound resource. The RCB (see FIG. 2) has a set of pointers indicating its location in the resource hierarchy.

(*Glider* at 6:57-66.) The Final Office Action asserts on p. 3 that this passage teaches “the resource control block is a node.” Applicant respectfully disagrees.

The cited passage describes “nodes” in a hierarchy of resources. The passage does not state or imply that “the resource control block is a node,” as proposed in the Final Office Action. More importantly, this passage does not identify any resource control block as being a particular kind of resource control block. In particular, the passage does not identify any resource control block as being a “node resource control block.” This limitation of claim 12 is therefore absent from the cited reference. Accordingly, claim 12 is allowable under § 102(b). At least for similar reasons, claim 13 is also allowable under § 102(b).

Dependent Claim 14

Dependent claims 14 stands rejected under § 102(b). However, the Final Office Action does not provide a meaningful reference to the cited art in support of the rejection. Claim 14

includes a limitation to a “**shelf** resource control block.” The discussion in the Final Office Action on p. 4 relates to a “**self**” resource manager.

Applicant submits that the Final Office Action’s reasoning is based on a mis-reading of the claim limitation (“self” instead of “shelf”), and that the cited reference does not disclose the use of a “shelf resource control block.” At least for this reason, claim 14 is additionally allowable under § 102(b).

For the foregoing reasons, Applicant respectfully requests that the pending rejections be withdrawn.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on September 18, 2006.



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Date of Signature

Respectfully submitted,



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